



Atty. Dkt. No. 355491-1253

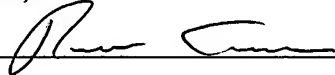
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Christopher D. ROBERTS et al.  
Title: NUCLEOSIDE DERIVATIVES  
FOR TREATING HEPATITIS C  
VIRUS INFECTION  
Appl. No.: 10/821,638  
Filing Date: 4/8/2004  
Examiner: Unknown  
Art Unit: Unknown

CERTIFICATE OF EXPRESS MAILING  
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Missing Requirements, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 512 615 756 US      October 8, 2004  
(Express Mail Label Number)      (Date of Deposit)

Rene Campos  
(Printed Name)

(Signature) 

**TRANSMITTAL OF MISSING PARTS OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed August 11, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[ X ] Declaration and Power of Attorney (4 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[ X ] Return Copy of Notice to File Missing Parts (2 pages)

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month  
☐ Extension for response filed within the second month  
☐ Extension for response filed within the third month  
☐ Extension for response filed within the fourth month  
☐ Extension for response filed within the fifth month

- ☒ Other: Sequence Listing (1 page)  
☒ Other: Statement to Support Filing Submission (1 page)  
☒ Other: Readable compact disc  
☒ Other: Copy of Removal of Assertion of Small Entity

The filing fee is calculated below:

	Claims as Filed		Included in Basic Fee		Extra Claims		Rate		Fee Totals
Basic Fee							\$790.00		\$790.00
Total	20	-	20	=	0	x	\$18.00	=	\$0.00
Claims:									
Independent	3	-	3	=	0	x	\$88.00	=	\$0.00
ents:									
If any Multiple Dependent Claim(s) present:						+	\$300.00	=	\$300.00
Surcharge under 37 CFR 1.16(e) for late filing						+			
of Executed Declaration and late payment of							\$130.00	=	\$130.00
filing fee									
							SUBTOTAL:	=	\$1,220.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):								=	\$0.00
							TOTAL FILING FEE:	=	\$1,220.00
							TOTAL FEE	=	\$1,220.00
							<b>Difference to pay: -\$530.00</b>		<b>\$690.00</b>

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$ 690.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date

10/8/2004

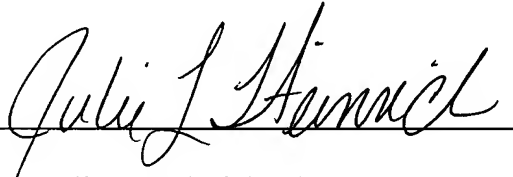
FOLEY & LARDNER LLP

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By

  
Julie L. Heinrich, Ph.D.  
Agent for Applicant  
Registration No. 48,070



10-1204

IFW ✓

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,638	04/08/2004	Christopher D. Roberts	355491-1253

38706  
FOLEY & LARDNER LLP  
THREE PALO ALTO SQUARE  
3000 EL CAMINO REAL  
SUITE 100  
PALO ALTO, CA 94306

CONFIRMATION NO. 9014

## FORMALITIES LETTER



\*OC000000013509980\*

Date Mailed: 08/11/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/13/2004 WASFAW1 00000011 500872 10821638

01 FC:1001 790.00 DA  
02 FC:1051 130.00 DA  
03 FC:1203 300.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$145 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

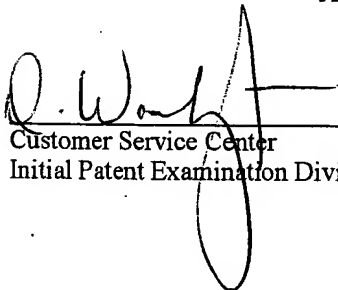
Total additional fee(s) required for this application is \$595 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$145
  - \$145 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY